United Nations A/53/753

General Assembly

Distr.: General
18 December 1998
English
Original: Arabic

Fifty-third session
Agenda items 45 and 113

The situation in Afghanistan and its implications for international peace and security

Programme budget for the biennium 1998–1999

Programme budget implications of draft resolution A/53/L.66

Report of the Fifth Committee

Rapporteur: Mr. Tammam **Sulaiman** (Syrian Arab Republic)

1. At its 42nd, 43rd and 45th meetings, on 10, 14 and 18 December 1998, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/53/45) on the programme budget implications of draft resolution A/53/L.66. The related report of the Advisory Committee on Administrative and Budgetary Questions is contained in document A/53/734 and Corr.1.

2. Statements and comments made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/53/SR.42, 43 and 45).

Decision of the Fifth Committee

3. At its 45th meeting, on 18 December, the Fifth Committee decided to inform the General Assembly that, should it adopt draft resolution A/53/L.66, an additional appropriation of $5,896,200 would be required under section 3, Peacekeeping operations and special missions, of the programme budget for the biennium 1998-1999. An additional appropriation of $412,100 would also be required under section 32, Staff assessment, to be offset by a corresponding amount under income section 1, Income from staff assessment.

98-39796 (E) 211298

United Nations A/53/754

General Assembly

Distr.: General
16 December 1998
English
Original: Arabic

Fifty-third session
Agenda item 120

United Nations common system

Report of the Fifth Committee

Rapporteur: Mr. Tammam **Sulaiman** (Syrian Arab Republic)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled "United Nations common system" and to allocate it to the Fifth Committee.

2. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the International Civil Service Commission for the year 1998;[1]

(b) Note by the Secretary-General transmitting the report of the Board of Auditors on the management review of the secretariat of the International Civil Service Commission (A/52/811);

(c) Note by the Secretary-General on the review of the International Civil Service Commission (A/53/688);

(d) Statement submitted by the Secretary-General on the administrative and financial implications of the decisions and recommendations contained in the report of the International Civil Service Commission (A/C.5/53/4);

(e) Note by the Secretary-General transmitting the comments by the Federation of International Civil Servants' Associations (A/C.5/53/27).

3. The Fifth Committee considered the item at its 18th, 19th, 21st, 23rd and 45th meetings, on 2, 4, 6, 10 November and 17 December 1998. Statements and observations

[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 30* and corrigendum (A/53/30 and Corr.1).

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made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/53/SR.18, 19, 21, 23 and 45).

4. At the 18th meeting, on 2 November, the Chairman of the International Civil Service Commission introduced the annual report of the Commission (see A/C.5/53/SR.28).

II. Consideration of draft resolution A/C.5/53/L.20

5. At the 45th meeting, on 17 December, the representative of Côte d'Ivoire and Vice-Chairman of the Committee and coordinator of the informal consultations on the item, introduced a draft resolution entitled "United Nations common system" (A/C.5/53/L.20).

6. At the same meeting, the Committee adopted draft resolution A/C.5/53/L.20 without a vote (see para. 7).

III. Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations common system

The General Assembly,

Having considered the report of the International Civil Service Commission for the year 1998[1] and other related reports,[2]

Reaffirming its commitment to a single, unified United Nations common system as the cornerstone for the regulation and coordination of the conditions of service of the United Nations common system,

Convinced that the common system constitutes the best instrument to secure staff of the highest standards of efficiency, competence and integrity for the international civil service as stipulated under the Charter of the United Nations,

Reaffirming the central role of the Commission in the regulation and coordination of the conditions of service of the United Nations common system,

[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 30* and corrigendum (A/53/30 and Corr.1).

[2] A/52/811, A/C.5/53/4 and A/C.5/53/27.

I

Conditions of service of staff in the Professional and higher categories

A. Noblemaire principle and its application

Recalling its resolution 44/198 of 21 December 1989 and other relevant resolutions,

1. *Reconfirms* the continued application of the Noblemaire principle;

2. *Reaffirms* the need to continue to ensure the competitiveness of the conditions of service of the common system;

3. *Takes note* of the Commission's decision to suspend total compensation comparisons until 2001, and requests the Commission to undertake the next study to identify the highest paid national civil service in 2001, using the methodology endorsed by the General Assembly in a manner consistent with the United States/United Nations total compensation comparison;

B. Evolution of the margin

Recalling section I.B of its resolution 52/216 of 22 December 1997 and the standing mandate from the General Assembly, in which the Commission is requested to continue its review of the relationship between the net remuneration of the United Nations staff in the Professional and higher categories in New York and that of the comparator civil service (the federal civil service of the United States of America) employees in comparable positions in Washington, D.C. (referred to as "the margin"),

Recalling also section IX, paragraph 3, of its resolution 46/191 A of 20 December 1991, in which it requested the Commission to include in its work a review of the differences between the United Nations and the United States net remuneration at individual grade levels,

Recalling further section II.B, paragraph 3, of its resolution 48/224 of 23 December 1993, wherein it considered that the Commission should address the imbalance in the United Nations/United States remuneration ratios in the context of overall margin considerations,

1. *Notes* the Commission's intention, in the light of its previous recommendations with respect to the above request, to explore possible solutions to the problems of imbalances in the United Nations/United States net remuneration ratios at individual grade levels;

2. *Notes* that the margin between net remuneration of United Nations staff in grades P-1 to D-2 in New York and that of officials in comparable positions in the United States federal civil service for 1998 is 114.8;

C. Base/floor salary scale

Recalling section I.H of its resolution 44/198, by which it established a floor net salary level for staff in the Professional and higher categories by reference to the corresponding base net salary levels of officials in comparable positions serving at the base city of the comparator civil service,

Approves, with effect from 1 March 1999, the revised base scale of gross and net salaries for staff in the Professional and higher categories, contained in annex I to the present resolution, and the consequential amendment to the Staff Regulations of the United Nations, as reflected in annex II to the present resolution;

D. Treatment of expatriation

Recalling section I.B, paragraph 3, of its resolution 50/208 of 23 December 1995 and section I.E, paragraph 4, of its resolution 51/216 of 18 December 1996,

1. *Takes note* of the analysis and decisions of the Commission thereon, as contained in paragraphs 104 to 117 of its report;[1]

2. *Requests* the Commission to continue to develop its study in this area and to report thereon to the General Assembly at its fifty-fifth session;

E. Common scale of staff assessment

Recalling section III, paragraph 1, of its resolution 51/216, by which it approved, with effect from 1 January 1997, a revised staff assessment scale recommended by the Commission for determining the pensionable remuneration of all categories of staff, and that in section III, paragraph 2, of the same resolution it requested the Commission to report on the impact of the differences in national and local tax rates at the seven headquarters duty stations on the gross pension benefits of locally recruited staff in the General Service and related categories at those duty stations in comparison with the compensation for such taxes provided by the common staff assessment rates,

1. *Takes note* of the Commission's conclusion, as set out in paragraph 215 of its report,[1] that the current common staff assessment scale should continue to apply and should again be reviewed in the year 2000;

2. *Takes note also* of the Commission's conclusions based on the comparison of the impact of the common staff assessment rates and local taxes on the levels of pensionable remuneration and consequent pensions of the General Service and related categories of staff as reported in paragraph 224 of its report;

3. *Endorses* the Commission's view as set out in paragraph 225 of its report, that the local practice approach to determining pensionable remuneration of the General Service and other locally recruited categories of staff should not be pursued further;

F. Dependency allowances

Recalling section II.F of its resolution 47/216 of 23 December 1992, in which it noted that the Commission would review the level of dependency allowances every two years,

Taking note of the review by the Commission of dependency allowances reflecting relevant changes in tax abatement and social legislation at the seven headquarters duty stations since 1996, as contained in paragraph 119 of its report,[1]

1. *Approves*, with effect from 1 January 1999, an increase of 14.6 per cent in the children's allowance (including that for disabled children) and in the secondary dependant's allowance;

2. *Takes note* of the updated list of hard-currency duty stations for which the allowances are specified in local currency, as contained in annex III to the present resolution;

3. *Notes* that dependency allowances payable to eligible common system staff should be reduced by the amount of any direct payments received from a Government in respect of dependants;

4. *Requests* the Commission to undertake an examination of the methodology, rationale and scope of the allowances in the year 2000;

G. Post adjustment matters

1. Operation of the post adjustment system

Recalling section I.B of its resolution 50/208 and section I.E of its resolution 51/216,

1. *Takes note* of the Commission's conclusions regarding the operation of the post adjustment system at the base of the system;

2. *Requests* the Commission to continue to explore the feasibility of using outside data sources for the next round of place-to-place surveys;

2. Post adjustment at Geneva

Recalling section I.B of its resolution 50/208, section I.E of its resolution 51/216 and section I.D of its resolution 52/216 related to the establishment of a single post adjustment index in respect of staff members whose duty station is Geneva,

Requests the Commission, in the context of its preparation of the next round of place-to-place surveys, as referred to in paragraph 141 of its report,[1] to conduct a comprehensive review of the post adjustment system as a whole with a view to its reform, with the assistance of independent experts, if necessary, keeping in mind the need for cohesion within the common system, and to ensure that the post adjustment at each duty station, with particular emphasis upon headquarters duty stations, is fully representative of the cost of living of all staff members in the Professional and higher categories working at each duty station, and to report thereon to the General Assembly no later than the fifty-fifth session of the Assembly;

II

Conditions of service applicable to both categories of staff

A. Education grant

Recalling section IV, paragraph 1, of its resolution 47/216 and section IV of its resolution 51/216, by which it endorsed the revised methodology for the determination of the education grant,

Recalling also section III.A, paragraph 1, of its resolution 52/216, by which it endorsed the modifications to the methodology and noted that the revised methodology would be taken into account beginning with the 1998 biennial review of the education grant,

1. *Approves* increases in the maximum reimbursement levels in the seven currency areas, as well as other adjustments to the reimbursement of expenses under the education grant, as contained in paragraph 190 of its report; [1]

2. *Takes note* of the decision of the Commission to review the methodology in the year 2001;

B. Recognition of language knowledge

Recalling section II.E of its resolution 48/224 of 23 December 1993, in which it requested the Commission to review the language incentive scheme of the United Nations and those of the organizations of the common system,

Having considered the proposals of the Commission contained in paragraphs 207 to 209 of its report,[1] which would be implemented only after the General Assembly has agreed thereto,

1. *Notes* that a number of essential elements still remain to be resolved, including, *inter alia*, the rationale for recommending a change to the existing scheme, the degree to which such changes will continue to serve as an incentive for multilingualism in the organizations, the basis for determining the incentive amounts for both categories, and transitional measures;

2. *Requests* the Commission to submit to the General Assembly at its fifty-fifth session a comprehensive report covering all the elements raised, taking into account the acquired rights of the staff;

C. Hazard pay

Reiterating the expression of its appreciation for the dedication of increasing numbers of staff of the United Nations common system who are required to work under dangerous conditions,

Takes note of the Commission's decisions in paragraph 236 of its report; [1]

D. Standards of travel and per diem

Recalling section III.D of its resolution 52/216,

Takes note of the Commission's decisions regarding standards of travel and per diem as outlined in paragraph 247 of its report; [1]

E. Mission subsistence allowance

Recalling section III.E of its resolution 52/216,

Takes note of the Commission's decisions regarding various aspects of the system of mission subsistence allowance as outlined in paragraph 260 of its report; [1]

III

The consultative process and working arrangements in the Commission

Recalling its resolutions 50/208, 51/216 and 52/216 on the consultative process and working arrangements of the Commission,

Recalling also that by its resolution 50/208 the General Assembly reaffirmed the statute of the Commission, in particular article 6 thereof, whereby its members shall perform their functions in full independence and impartiality,

1. *Emphasizes* that the responsibility for the decisions taken by the Commission rests solely with the members of the Commission;

2. *Welcomes* the progress made by the Commission in promoting a spirit of constructive cooperation and flexibility towards improving working relations with the staff bodies;

3. *Takes note* of the changes approved by the Commission to its rules of procedure and other procedural changes;

4. *Notes* that the changes approved by the Commission to its rules of procedure could enable all parties to ensure that their views are reflected during all phases of the consideration of all issues;

5. *Requests* the Commission to monitor the progress of the implementation of the revised rules of procedure and to report thereon to the General Assembly at its fifty-seventh session;

IV

Appointment of members to the Commission and other matters

1. *Reaffirms* the statute of the International Civil Service Commission;

2. *Emphasizes* the need to adhere to the provisions of articles 3 and 4 of the statute;

3. *Requests* the Secretary-General to draw the attention of Member States to the provisions of article 3.1 when presenting candidates for appointment to the Commission;

4. *Decides* to revert to the following issues, *inter alia*, related to the Commission: its working methods, including the respective roles of the Commission and its secretariat, the selection and appointment of members of the Commission, members and the role of the Commission in the review process in the context of its consideration of the recommendation by the Secretary-General for the review of the Commission at the resumed fifty-third session of the General Assembly;

V

Framework for human resources management

Recalling its resolutions 51/216 and 52/216,

Convinced that the Commission must play a lead role in the development of innovative approaches in the human resources management field as part of the overall reform currently taking place in the organizations of the common system,

1. *Welcomes* the Commission's initiative to examine a framework for human resources management;

2. *Invites* the Commission as part of the planned review to examine, *inter alia*, the reform initiatives by all organizations of the common system, as well as reform efforts outside the common system, the facilitation of inter-agency mobility and the introduction of specialist pay;

3. *Urges* the Commission to address speedily the Assembly's request regarding studies in the area of human resources management and to submit a report thereon to the General Assembly at its fifty-fourth session;

VI

Report on gender balance in the United Nations system

Recalling section VI of its resolution 47/216 and section III.H of its resolution 52/216, in which it urged the organizations of the common system to introduce a coherent plan for improving the status of women in each organization,

1. *Takes note* of the Commission's continuing work to assist the organizations in achieving gender balance, and in particular welcomes its initiative in the areas identified under paragraph 290 of its report;[1]

2. *Endorses* the Commission's requests to the organizations as outlined under paragraphs 283 and 291 of its report, and urges all organizations to take steps to implement them as soon as possible;

3. *Notes* that the Commission will revert to this matter in the year 2001;

VII

Report of the Board of Auditors

Recalling its request to the Board of Auditors to conduct a management review of all aspects of the work done by the secretariat of the Commission in time for the submission of a report thereon to the General Assembly at its fifty-second session,

1. *Takes note* of the report of the Board of Auditors on the management review of the Commission's secretariat[3] and the response of the Commission contained in paragraph 37 of its report;[1]

2. *Requests* the Board of Auditors to conduct audits of the secretariat of the Commission on a periodic basis, in accordance with financial regulation 12.5 of the Financial Regulations and Rules of the United Nations and the statute of the Commission.

[3] A/52/811.

Annex I

Salary scale for the Professional and higher categories showing annual gross salaries and net equivalents after application of staff assessment*

(United States dollars)

Effective 1 March 1999

		Steps													
Level		I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII	XIV	XV
USG	Gross	151 440														
	Net D	104 662														
	Net S	94 190														
ASG	Gross	137 683														
	Net D	95 995														
	Net S	86 926														
D-2	Gross	112 824	115 311	117 797	120 283	122 768	125 256									
	Net D	80 334	81 901	83 467	85 033	86 599	88 166									
	Net S	73 801	75 114	76 427	77 739	79 052	80 365									
D-1	Gross	99 848	101 948	104 047	106 142	108 243	110 346	112 476	114 605	116 732						
	Net D	72 068	73 410	74 751	76 090	77 432	78 773	80 115	81 456	82 796						
	Net S	66 615	67 793	68 970	70 146	71 324	72 493	73 617	74 741	75 864						
P-5	Gross	88 099	89 975	91 875	93 775	95 674	97 571	99 471	101 371	103 269	105 169	107 067	108 966	110 878		
	Net D	64 545	65 759	66 973	68 187	69 401	70 613	71 827	73 041	74 254	75 468	76 681	77 894	79 108		
	Net S	59 963	61 075	62 142	63 208	64 273	65 337	66 403	67 469	68 534	69 600	70 665	71 730	72 773		
P-4	Gross	72 631	74 438	76 257	78 085	79 917	81 743	83 573	85 403	87 232	89 060	90 898	92 756	94 606	96 459	98 311
	Net D	54 516	55 701	56 883	58 066	59 251	60 433	61 617	62 801	63 984	65 167	66 349	67 536	68 718	69 902	71 086
	Net S	50 767	51 856	52 940	54 024	55 111	56 194	57 279	58 364	59 448	60 533	61 594	62 636	63 674	64 713	65 753
P-3	Gross	59 386	61 057	62 731	64 400	66 088	67 782	69 477	71 174	72 867	74 564	76 275	77 994	79 711	81 430	83 148
	Net D	45 777	46 888	48 001	49 111	50 224	51 335	52 447	53 560	54 671	55 784	56 895	58 007	59 118	60 230	61 342
	Net S	42 730	43 752	44 776	45 798	46 821	47 843	48 865	49 888	50 909	51 932	52 951	53 970	54 989	56 008	57 027
P-2	Gross	47 805	49 265	50 721	52 180	53 636	55 098	56 594	58 087	59 585	61 080	62 573	64 071			
	Net D	37 953	38 949	39 942	40 937	41 930	42 925	43 920	44 913	45 909	46 903	47 896	48 892			
	Net S	35 598	36 501	37 401	38 302	39 202	40 105	41 021	41 934	42 851	43 766	44 680	45 596			
P-1	Gross	36 422	37 791	39 157	40 525	41 891	43 258	44 627	46 018	47 418	48 820					
	Net D	30 044	31 001	31 956	32 912	33 867	34 822	35 779	36 734	37 689	38 645					
	Net S	28 341	29 222	30 102	30 983	31 863	32 743	33 625	34 494	35 359	36 226					

D = Rate applicable to staff members with a dependent spouse or child.
S = Rate applicable to staff members with no dependent spouse or child.

* This scale will be implemented in conjunction with a consolidation of 2.48 per cent of post adjustment. There will be consequential adjustments in the post adjustment indices and multipliers at all duty stations, effective 1 March 1999. Thereafter, changes in post adjustment classifications will be effected on the basis of the movements of the consolidated post adjustment indices.

Annex II

Amendments to the Staff Regulations of the United Nations

Regulation 3.3

Replace the second table in paragraph (b)(i) with the following:

	Staff assessment rates used in conjunction with gross base salaries (percentage)	
Total assessable payments (United States dollars)	*Staff member with a dependent spouse or a dependent child*	*Staff member with neither a dependent spouse nor a dependent child*
First 15 000 per year	9.0	11.8
Next 5 000 per year	18.1	24.4
Next 5 000 per year	21.5	26.9
Next 5 000 per year	24.9	31.4
Next 5 000 per year	27.5	33.4
Next 10 000 per year	30.1	35.6
Next 10 000 per year	31.8	38.2
Next 10 000 per year	33.5	38.8
Next 10 000 per year	34.4	39.7
Next 15 000 per year	35.3	40.7
Next 20 000 per year	36.1	43.9
Remaining assessable payments	37.0	47.2

Annex III

Amounts of children's and secondary dependant's allowances for staff in the Professional and higher categories effective 1 January 1999

Country or area	*Currency*	*Children's allowance*	*Secondary dependant's allowance*
Austria	Schilling	28 256	10 438
Belgium	Belgian franc	70 189	22 448
Denmark	Danish krone	13 193	3 814
France	French franc	10 141	3 365
French Guiana	French franc	10 141	3 365
Germany	Deutsche mark	4 057	1 455
Ireland	Irish pound	1 145	375
Japan	Yen	398 701	181 125
Luxembourg	Luxembourg franc	70 189	22 410
Monaco	French franc	10 141	3 365
Netherlands	Netherlands guilder	4 472	1 523
Switzerland	Swiss franc	3 364	1 499
United States and the rest of the world	United States dollar	1 730	619

United Nations A/53/755

General Assembly

Distr.: General
17 December 1998
English
Original: Arabic

Fifty-third session
Agenda item 135

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

Rapporteur: Mr. Tammam **Sulaiman** (Syrian Arab Republic)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and to allocate it to the Fifth Committee.

2. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the conditions of service for the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/52/520);

(b) Report of the Advisory Committee on Administrative and Budgetary Questions on the revised budget estimates for 1998 and proposed requirements for 1999 of the International Tribunal for the Former Yugoslavia (A/53/651);

(c) Report of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/C.5/52/47);

(d) Report of the Secretary-General on the revised estimates for the year 1998 (A/C.5/53/12);

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(e) Report of the Secretary-General containing the 1999 resource requirements for the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/C.5/53/13);

(f) Identical letters dated 5 May 1998 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council (A/52/891).

3. The Fifth Committee considered the item at its 32nd, 34th, 35th, 37th and 45th meetings, on 20, 23, 24 and 30 November and 17 December 1998. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/53/SR.32, 34, 35, 37 and 45).

II. Consideration of draft resolution A/C.5/53/L.22

4. At its 45th meeting, on 17 December, the representative of New Zealand and coordinator of the informal consultations on the item introduced a draft resolution entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/53/L.22), which was submitted by the Chairman on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolution A/C.5/53/L.22 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 47/235 of 14 September 1993 on the financing of the Tribunal and its subsequent resolutions thereon, the latest of which was resolution 52/217 of 22 December 1997,

Recalling also that, by paragraph 5 of its resolution 52/217, it agreed to defer the consideration of the pension entitlement for members of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda proposed in the

[1] A/C.5/53/12 and A/C.5/53/13.

[2] A/53/651.

report of the Secretary-General[3] until the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice submitted to the General Assembly at its current session,[4]

1. *Takes note* of the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

2. *Expresses its concern* about the late submission of the budget proposal for 1999, and reiterates its request in its resolution 50/212 C of 7 June 1996 that future budget proposals be submitted before 1 November of each year;

3. *Also expresses its concern* about the format of the presentation of the 1999 budget proposals which was not succinct, was repetitious in some instances, lacked justification in certain cases and was at times inconsistent;

4. *Requests* the Secretary-General to improve the presentation of future budget proposals, which should also take into account the provisions of the present resolution;

5. *Also requests* the Secretary-General, with a view to evaluating the effective operation and functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda with the objective of enhancing the efficient use of the resources of the Tribunals, to conduct, in full cooperation with the Presidents of the Tribunals, a review, as recommended by the Advisory Committee in its reports,[5] and in the statement made before the Fifth Committee at its 37th meeting,[6] without prejudice to the provisions of the Statutes of the Tribunals and their independent character, and to report thereon to the relevant organs of the United Nations;

6. *Further requests* the Secretary-General to submit the report called for in paragraph 5 above, along with the budget proposals for 2000, no later than 1 November 1999;

7. *Expresses concern* about the high vacancy rate in the Professional and General Service categories of staff of the Tribunal, and requests the Secretary-General to take all necessary measures, including those relating to the recruitment process, to address this situation, and to report thereon to the General Assembly in the budget proposals for the year 2000;

8. *Requests* the Secretary-General to include information on the monthly post incumbency in future budget proposals;

9. *Reaffirms* that gratis personnel shall be phased out by 31 December 1998, in accordance with paragraph 2 of its resolution 52/217 of 22 December 1997;

10. *Reaffirms also* that gratis personnel should be treated in accordance with the provisions of its resolutions 51/243 of 15 September 1997 and 52/234 of 26 June 1998;

11. *Emphasizes* that the delegation of authority for human resources management should be strictly in accordance with the existing Staff Regulations and Rules;

12. *Also emphasizes* that recruitment of staff in the Tribunal should be in accordance with Article 101.3 of the Charter of the United Nations;

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[3] A/52/520.

[4] A/C.5/53/11.

[5] A/53/651, paras. 65–67, and A/53/659, paras. 84–86.

[6] See A/C.5/53/SR.37, para. 43.

13. *Notes with concern* that a number of workload indicators are inaccurate, inflated and unjustifiable;

14. *Requests* the Secretary-General to ensure that the workload indicators are monitored and checked for accuracy and consistency;

15. *Also requests* the Secretary-General to include a section in future budget proposals on the implementation of the recommendations of oversight bodies;

16. *Further requests* the Secretary-General to maintain an accounting inventory record of the furniture and equipment acquired for the Tribunal since its establishment (purchase and depreciation) in accordance with the relevant regulations and rules and relevant resolutions of the General Assembly, and to provide a succinct summary of that information in the next report on the financing of the Tribunal;

17. *Requests* the Secretary-General to include in future budget proposals information on those items in the current inventory for which proposals for replacement and/or additions are made, in the format used in peacekeeping budget proposals;

18. *Also requests* the Secretary-General to take all necessary actions to ensure that the Tribunal is administered with maximum efficiency and economy;

19. *Stresses* the need to provide to the Tribunal resources adequate to fulfil its mandated activities and to respond effectively to new challenges, and emphasizes the necessity of efficient and effective use of its resources;

20. *Approves* the budgetary recommendations of the Advisory Committee as contained in paragraph 27 of its report;[2]

21. *Notes* that by its resolution 53/___, the General Assembly has approved a revised salary and other conditions of service, including the pension entitlement, for members of the International Tribunals, resulting in additional requirements of 219,700 United States dollars net in 1999, as recommended by the Advisory Committee,[7] for the International Tribunal for the Former Yugoslavia;

22. *Decides* that the five Professional and two General Service posts in The Hague, currently funded against the budget of the International Criminal Tribunal for Rwanda, should be transferred from the staffing table and the related financial provisions of the International Criminal Tribunal for Rwanda to the staffing table and the budget of the International Tribunal for the Former Yugoslavia effective 1 January 1999, resulting in additional requirements of 666,900 dollars gross (551,800 dollars net) in 1999 for the International Tribunal for the Former Yugoslavia;

23. *Decides* to revise the level of appropriation for the year 1998 to the Special Account for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to a total amount of 68,314,500 United States dollars gross (61,941,400 dollars net) for the period from 1 January to 31 December 1998;

24. *Decides also* to appropriate to the Special Account for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of 103,437,600 United States dollars gross (94,103,800 dollars net) for the period from 1 January to 31 December 1999, which also includes provisions for the revised salary and other conditions of service, including the pension entitlement, for members of the International Tribunals;

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[7] See A/53/7/Add.6.

25. *Decides further* that the financing of the appropriation for the period from 1 January to 31 December 1999 under the Special Account for the International Tribunal shall take into account the amount of 3,537,800 dollars, being the unencumbered balance for 1997, the reduction of 515,300 dollars gross (390,200 dollars net) from the initial appropriation for 1998 and the estimated income of 5,200 dollars for 1999, which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

26. *Decides* to apportion the amount of 49,689,650 United States dollars gross (45,087,900 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1999,

27. *Decides also* to apportion the amount of 49,689,650 United States dollars gross (45,087,900 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1999;

28. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 26 and 27 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 9,203,500 dollars approved for the International Tribunal for the period from 1 January to 31 December 1999;

29. *Welcomes* contributions already made to the Voluntary Fund to support the activities of the International Tribunal for the Former Yugoslavia, and invites Member States and other interested parties to make voluntary contributions to the Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General.

Annex

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	*Net*
	(United States dollars)	
Appropriation for the period from 1 January to 31 December 1999	102 551 000	93 332 300
Financial implications of General Assembly resolution 53/___	219 700	219 700
Provisions for those posts to be transferred from the budget of the International Criminal Tribunal for Rwanda	666 900	551 800
Total appropriation for the period from 1 January to 31 December 1999	103 437 600	94 103 800
Less: reduction in the appropriation for 1998	(515 300)	(390 200)
Estimated income for the period from 1 January to 31 December 1999	(5 200)	—
Unencumbered balance as at 31 December 1997	(3 537 800)	(3 537 800)
Balance to be assessed for the period from 1 January to 31 December 1999,	99 379 300	90 175 800
of which:		
Contributions to be assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1999	49 689 650	45 087 900
Contributions to be assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1999	49 689 650	45 087 900

United Nations A/53/756

General Assembly

Distr.: General
16 December 1998
English
Original: Arabic

Fifty-third session
Agenda item 137

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Fifth Committee

Rapporteur: Mr. Tammam **Sulaiman** (Syrian Arab Republic)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the conditions of service for the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/52/520);

(b) Report of the Advisory Committee on Administrative and Budgetary Questions on the revised estimates for 1998 and estimates for 1999 (A/53/659);

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(c) Report of the Secretary-General containing the third annual budget performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/C.5/52/48);

(d) Report of the Secretary-General on the revised estimates for the year 1998 (A/C.5/53/14);

(e) Report of the Secretary-General containing the 1999 resource requirements of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/C.5/53/15 and Corr.1 (French only));

(f) Note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the follow-up to the 1997 audit and investigation of the International Criminal Tribunal for Rwanda (A/52/784).

3. The Fifth Committee considered the item at its 32nd, 34th, 35th, 37th and 45th meetings on 20, 23, 24, 30 November and 17 December 1998. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/53/SR.32, 34, 35, 37 and 45).

II. Consideration of draft resolution A/C.5/53/L.23

4. At the 45th meeting, on 17 December, the representative of New Zealand and coordinator of the informal consultations on the item introduced a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/53/L.23), submitted by the Chairman on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolution A/C.5/53/L.23 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Tribunal for Rwanda, and its subsequent resolutions thereon, the latest of which was resolution 52/218 of 22 December 1997,

Recalling also that by paragraph 6 of its resolution 52/218, it had agreed to defer the consideration of the pension entitlement for members of the International Tribunal for Rwanda proposed in the report of the Secretary-General[3] until the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice submitted to the General Assembly at its current session;[4]

1. *Takes note* of the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

2. *Expresses its concern* about the late submission of the budget proposals for 1999 and reiterates its request contained in its resolution 50/213 C of 7 June 1996 that future budget proposals be submitted before 1 November of each year;

3. *Takes note* that, according to the information provided by the Secretariat, the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda have one Prosecutor whose duty station is The Hague, and that the International Tribunal for Rwanda does not have a resident Prosecutor, but a Deputy Prosecutor;

4. *Requests* the Secretary-General, with a view to evaluating the effective operation and functioning of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda with the objective of enhancing the efficient use of the resources of the Tribunals, to conduct, in full cooperation with their Presidents, a review as recommended

[1] A/C.5/53/14 and A/C.5/53/15.

[2] A/53/659.

[3] A/52/520.

[4] A/C.5/53/11.

by the Advisory Committee in its reports,[5] and in the statement contained in paragraph 43 of summary record A/C.5/53/SR.37, without prejudice to the provisions of the Statutes of the Tribunals and their independent character, and to report thereon to the relevant organs of the United Nations;

5. *Also requests* the Secretary-General to submit the report called for in paragraph 3 above, along with the budget proposals for 2000, no later than 1 November 1999;

6. *Expresses concern* about the high vacancy rate in the Professional and General Service categories of staff at the Tribunal and requests the Secretary-General to take all necessary measures, including those related to the recruitment process, to address the situation, and to report thereon to the General Assembly in the budget proposals for the year 2000;

7. *Notes with concern* that gratis personnel were accepted in 1998 in disregard of the provisions of Assembly resolution 51/243 of 15 September 1997, in order to compensate for the vacancy rates and delays in processing the recruitment of staff, as indicated in paragraph 5 of the report of the Secretary-General;[6]

8. *Reaffirms* that gratis personnel shall be phased out by 31 December 1998 in accordance with paragraph 2 of Assembly resolution 52/218 of 22 December 1997;

9. *Reaffirms also* that gratis personnel should be treated in accordance with its resolutions 51/243 of 15 September 1997 and 52/234 of 26 June 1998;

10. *Requests* the Secretary-General to include information on the monthly post incumbency in future budget proposals;

11. *Emphasizes* that the delegation of authority for human resources management should be strictly in accordance with the existing Staff Regulations and Rules;

12. *Also emphasizes* that staff in the Tribunal should be recruited in accordance with Article 101.3 of the Charter of the United Nations;

13. *Takes note* of the information provided by the Secretariat that the Registry is working closely with the Office of Human Resources Management in reviewing the current remuneration package applicable to staff of the Tribunal with a view to improving the conditions of service at Arusha and Kigali within the context of the United Nations common system, and requests the International Civil Service Commission to submit its proposals in this regard in the context of its annual report for 1999, no later than 1 November 1999;

14. *Notes* the new arrangement in paragraphs 28, and 1 and 78 to 82 in annex IV to the report of the Secretary-General;[6]

15. *Emphasizes* that the new arrangement should not deprive the judges of their supervisory role vis-à-vis the legal support staff;

16. *Notes* with concern that a number of workload indicators were inaccurate, inflated and unjustifiable;

17. *Requests* the Secretary-General to ensure that the workload indicators are monitored and checked for accuracy and consistency;

18. *Also requests* the Secretary-General to ensure that expenditure data from the field are entered into the main expenditure record on a timely basis;

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[5] A/53/651, paras. 65–67, and A/53/659, paras. 84–86.

[6] A/C.5/53/15.

19. *Takes note* with appreciation of the efforts made to address the problems and to improve the overall functioning of the Tribunal;

20. *Requests* the Secretary-General to include a section in future budget proposals on the implementation of the recommendations of oversight bodies;

21. *Also requests* the Secretary-General to maintain an accounting inventory record of the furniture and equipment acquired for the Tribunal since its establishment (purchase and depreciation) in accordance with the relevant regulations and rules and resolutions of the General Assembly, and to provide a succinct summary of that information in his next report on financing of the Tribunal;

22. *Further requests* the Secretary-General to include in future budget proposals information on those items in the current inventory for which proposals for replacement and/or additions are made, in the format used in peacekeeping budget proposals;

23. *Requests* the Secretary-General to take all necessary action to ensure that the Tribunal is administered with a maximum of efficiency and economy;

24. *Approves* the budgetary recommendations of the Advisory Committee as contained in paragraph 24 of its report;[2]

25. *Notes* that by its resolution 53/___, the General Assembly has approved a revised salary and other conditions of service, including the pension entitlement for members of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda as recommended by the Advisory Committee,[7] resulting in additional requirements of 147,300 United States dollars net in 1999 for the International Tribunal for Rwanda;

26. *Decides* that the five Professional and two General Service posts in The Hague currently funded against the budget of the International Tribunal for Rwanda should be transferred from the staffing table and the related financial provisions of the International Tribunal for Rwanda to the staffing table and the budget of the International Tribunal for the Former Yugoslavia effective 1 January 1999, resulting in a reduction of 666,900 dollars gross (551,800 dollars net) in the overall requirements in 1999 for the International Tribunal for Rwanda;

27. *Also decides* to revise the level of appropriation to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 to 52,297,900 dollars gross (48,043,400 dollars net) for the period from 1 January to 31 December 1998;

28. *Further decides* to appropriate to the Special Account for the International Tribunal for Rwanda a total amount of 75,260,600 dollars gross (68,531,900 dollars net) for the period from 1 January to 31 December 1999, which also includes provisions for the revised salary and other conditions of service, including the pension entitlement for members of the International Tribunal for Rwanda;

29. *Decides* that the financing of the appropriation for the period from 1 January to 31 December 1999 under the Special Account for the International Tribunal for Rwanda shall take into account the reduction of 4,340,700 dollars gross (2,835,700 dollars net) in the initial appropriation for 1998 and the unencumbered balance of 6,716,000 dollars gross

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[7] A/53/7/Add.6. For the final text, see *Official Records of the General Assembly, Fifty-third Session, Supplement No. 7.*

(4,365,400 dollars net) as of 31 December 1997, both of which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

30. *Also decides* to apportion the amount of 32,101,950 dollars gross (30,665,400 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1999;

31. *Further decides* to apportion the amount of 32,101,950 dollars gross (30,665,400 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1999;

32. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 29 and 30 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 2,873,100 dollars approved for the International Tribunal for Rwanda for the period from 1 January to 31 December 1999;

33. *Welcomes* contributions already made to the Voluntary Fund to support the activities of the International Tribunal for Rwanda, and invites Member States and other interested parties to make voluntary contributions to the Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General.

Annex

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	(United States dollars)	
Appropriation for the period from 1 January to 31 December 1999	75 780 200	68 936 400
Financial implications of General Assembly resolution 53/___	147 300	147 300
Less:		
Provisions for those posts to be transferred to the budget of the International Tribunal for the Former Yugoslavia	(666 900)	(551 800)
Total appropriation for the period from 1 January to 31 December 1999	75 260 600	68 531 900
Less:		
Reduction in the appropriation for 1998	(4 340 700)	(2 835 700)
Unencumbered balance as of 31 December 1997	(6 716 000)	(4 365 400)
Balance to be assessed for the period from 1 January to 31 December 1999	64 203 900	61 330 800
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1999	32 101 950	30 665 400
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1999	32 101 950	30 665 400